

EXHIBIT M

AMARILLO DIVISION

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APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

DECLARATION OF SHERI GIPSON

EXHIBIT F

AMARILLO DIVISION

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DECLARATION OF SHERI GIPSON

to make this declaration. I have personal knowledge and expertise of the matters herein stated.

Division. In this capacity, I oversee DPS's issuance of driver licenses and identification cards to

Commission in February 2020. Prior to that, I served as Assistant Chief of the Driver License

applying for an original driver license “who is not a citizen of the United States must present to

521.1425(d) of the Texas Transportation Code provides that DPS “may not deny a driver’s license to an applicant who provides documentation described by Section 521.142(a) based on the duration of the person’s authorized stay in the United States, as indicated by the documentation presented under Section 521.142(a).”

4. Pursuant to Section 521.101(f-2) of the Texas Transportation Code, an individual applying for an original personal identification certificate “who is not a citizen of the United States must present to [DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.” Section 521.101(f-4) of the Texas Transportation Code provides that DPS “may not deny a personal identification certificate to an application who complies with Subsection (f-2) based on the duration of the person’s authorized stay in the United States, as indicated by the documentation presented under Subsection (f-2).”

5. If an individual presents documentation issued by the federal government showing authorization to be in the United States (such as an Employment Authorization Document), and otherwise meets eligibility requirements, DPS will issue a limited term driver license or personal identification certificate to a non-citizen resident of Texas.¹ A license or identification certificate issued to such an applicant is limited to the term of the applicant’s lawful presence, which is set by the federal government when it authorizes that individual’s presence. In fiscal year 2019 (September 2018 through August 2019), DPS issued 386,898 limited term licenses and identification certificates. In fiscal year 2020 (September 2019 through August 2020), DPS issued 304,031 limited term licenses and identification certificates. Driver license and identification card transactions for FY 2020 were impacted by office closures and reduced

¹ DPS maintains a list documents acceptable for verifying lawful presence. *See* Tex. Dep’t of Public Safety, Verifying Lawful Presence 4 (Rev. 7-13), <https://www.dps.texas.gov/sites/default/files/documents/driverlicense/documents/verifyinglawfulpresence.pdf>. A copy is attached to this declaration as Exhibit 1.

customer capacity in offices due to the pandemic.

6. For each non-citizen resident of Texas who seeks a limited term driver license or personal identification certificate, DPS verifies the individual's lawful presence status with the United States government using the Systematic Alien Verification of Entitlements ("SAVE") system. The State of Texas currently pays \$0.30 per customer for SAVE verification purposes. Approximately 18% of customers must complete additional SAVE verification at \$0.50 per transaction.

7. For each non-United States citizen resident of Texas who seeks a limited term driver license, DPS verifies the individual's social security number and that person's eligibility through Social Security Online Verification ("SSOLV") and the American Association of Motor Vehicle Administrators' ("AAMVA") Problem Drivers Pointer System ("PDPS") and, if applicable, the Commercial Driver License Information System ("CDLIS"). The State of Texas currently pays \$0.05 per customer for SSOLV and PDPS verification purposes. There is a cost of \$0.028 for CDLIS verification purposes, which is about 2% of all limited term licenses.

8. Each additional customer seeking a limited term driver license or personal identification certificate imposes a cost on DPS. DPS estimates that for an additional 10,000 driver license customers seeking a limited term license, DPS would incur a biennial cost of approximately \$2,014,870.80. The table below outlines the estimated costs that DPS would incur based on the additional number of customers per year for employee hiring and training, office space, office equipment, verification services, and card production cost. For every 10,000 additional customers above the 10,000-customer threshold, DPS may have to open additional driver license offices or expand current facilities to meet that increase in customer demand.

Customer Volume Scenario	Additional Employees Required	Additional Office Space Required (SqFt) (96 per employee)	Biennial Cost for Additional Employees, Leases, Facilities and Technology	Biennial Cost for Verification Services	Biennial Cost for Card Production	Total Cost to DPS
10,000	9.4	902.4	\$1,978,859.60	\$9,011.20	\$27,000.00	\$2,014,870.80
20,000	18.8	1,804.8	\$3,957,719.20	\$18,022.40	\$54,000.00	\$4,029,741.60
30,000	28.2	2,707.2	\$5,936,578.80	\$27,033.60	\$81,000.00	\$6,044,612.40
40,000	37.6	3,609.6	\$7,915,438.40	\$36,044.80	\$108,000.00	\$8,059,483.20
50,000	46.9	4,502.4	\$9,894,298.00	\$45,056.00	\$135,000.00	\$10,074,354.00
100,000	93.9	9,014.4	\$19,788,596.01	\$90,112.00	\$270,000.00	\$20,148,708.01
150,000	140.8	13,516.8	\$29,682,894.01	\$135,168.00	\$405,000.00	\$30,223,062.01
200,000	187.8	18,028.8	\$39,577,192.01	\$180,224.00	\$540,000.00	\$40,297,416.01

9. Standard term licenses issued to most citizens are valid for a period of eight years with an allowance to renew online once after an office visit. Therefore, most license holders only have to visit a driver license office once every sixteen years. Because limited term licenses are limited to the term of the applicant's lawful presence, it is possible that an individual would have to renew their limited term license sixteen or more times during the same sixteen-year span. The frequency of renewing the license would depend on the length of time the appropriate United States agency authorizes the applicant to be in the United States. Every renewal for a limited term license requires an additional in-person visit to a DPS facility, and thus requires additional costs related to employee hiring and training, verification of lawful presence status through the SAVE system, office space, office equipment, and infrastructure. Thus, the estimated costs identified above that DPS would incur would only increase as more limited term licenses are issued.

10. The added customer base that may be created by an increase in the number of individuals authorized to be in the United States who chose to reside in Texas will substantially burden driver license resources without additional funding and support.

11. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true

and correct.

Executed on this _6th_ day of May 2021.

A handwritten signature in cursive script, appearing to read "Sheri Gipson", written in dark ink.

SHERI GIPSON

EXHIBIT 24

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS , et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:14-cv-00254
)	
UNITED STATES OF AMERICA , et al.,)	
)	
Defendants)	

DECLARATION OF JOE PETERS

My name is Joe Peters, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Assistant Director of the Texas Department of Public Safety (DPS) Driver License Division. In this capacity, I oversee DPS's issuance of driver licenses and identification cards to residents of the State of Texas.

2. I was appointed to my current position in August 2013. Prior to that, I served as interim Assistant Director beginning in June 2013. From January 2012 to June 2013, I served as Special Assistant to DPS Director Steven McCraw.

3. Pursuant to Section 521.142(a) of the Texas Transportation Code, an individual applying for an original driver license "who is not a citizen of the United States must present to the department [DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license." Section 521.1425(d) of

the Transportation Code provides that DPS “may not deny a driver’s license to an applicant who provides documentation described by Section 521.142(a) based on the duration of the person's authorized stay in the United States, as indicated by the documentation presented under Section 521.142(a).”

4. If an individual presents documentation issued by the federal government showing that they are authorized to be in the United States (such as an Employment Authorization Document), and otherwise meets eligibility requirements, DPS will issue a limited term driver license to a non-citizen resident of Texas. A license issued to such an applicant is limited to the term of the applicant’s lawful presence, which is set by the federal government when it authorizes that individual’s presence. In fiscal year 2014 (September 2013 through August 2014), DPS issued 275,874 limited term licenses.

5. For each non-United States citizen resident of Texas who seeks a limited term driver license, DPS verifies the individual’s lawful presence status with the United States government using the Systematic Alien Verification of Entitlements (“SAVE”) system. Attached as Exhibit 1 to the declaration is a true and correct copy of the Memorandum of Agreement between the U.S. Department of Homeland Security and the State of Texas governing the use of the SAVE system for the purpose of verifying citizenship and immigration status information of non-citizens applying for driver licenses. The State of Texas currently pays an average of \$0.75. per customer for SAVE verification purposes.

6. I am aware of the President’s recent executive action authorizing the lawful presence of certain undocumented immigrants currently in the United

States. My understanding is that the new deferred action plan may extend to more than 500,000 undocumented individuals residing in the State of Texas. Based on these estimates, DPS anticipates that the Driver License Division will require a substantial increase in operating funds to support the implementation of the President's executive order. This is because if those individuals are determined to be lawfully present in the United States, they will be eligible to receive a limited term driver license.

7. DPS estimates that for each additional 1,750 driver license customers seeking a limited term license, DPS would have to hire 2.03 full time equivalent (FTE) employees to process those issuances. If the DPS customer volume increases by 100,000 individuals, DPS estimates a total cost of approximately \$16.23 million (or \$ 162.39 per license issued). This estimate includes the expenses that DPS would incur to hire and train 124 additional FTEs, purchase additional office equipment and technology to equip the available square footage at driver license offices, and produce the driver licenses. For every 60,000 additional customers above the 100,000 customer threshold, DPS would have to open additional driver license offices or expand current facilities to meet that increase in customer demand.

8. The table below outlines the estimated costs that DPS would incur for employee hiring and training, office space, office equipment and technology, and card production cost, based on an increase in customer volume up to 520,000 people.

Cutomer Volume Scenario	Additional Employees Required	Additional Office Space Required (SqFt)	Biennial Cost for Additional Employees	Cost for Adding Customer Counters at Existing Offices	Biennial Cost for Facilities & Technology Expansion	Card Production Cost	Biennial Cost to DPS	Additional Cost to DPS per License Applicant
25,000	30.9	0	\$3,829,139	\$0	\$0	\$43,000	\$3,872,139	\$154.89
100,000	123.4	0	\$15,316,557	\$750,000	\$0	\$172,000	\$16,238,557	\$162.39
160,000	197.5	24,000	\$24,506,492	N/A	\$4,800,000	\$275,200	\$29,581,692	\$184.89
220,000	271.6	48,000	\$33,696,426	N/A	\$7,800,000	\$378,400	\$41,874,826	\$190.34
340,000	419.7	96,000	\$52,076,295	N/A	\$13,800,000	\$584,800	\$66,461,095	\$195.47
400,000	493.8	120,000	\$61,266,229	N/A	\$16,800,000	\$688,000	\$78,754,229	\$196.89
520,000	641.9	168,000	\$79,646,098	N/A	\$22,800,000	\$894,400	\$103,340,498	\$198.73

The cost per license identified in this table only reflects the costs DPS would incur for processing original applications for driver licenses.¹ Standard term licenses issued to most citizens are valid for a period of six years with an allowance to renew online once after an office visit. Therefore, most license holders only have to visit a driver license office once every twelve years. Because limited term licenses are limited to the term of the applicant's lawful presence, it is possible that an individual would have to renew his limited term license four times during the same twelve year span. Every renewal for a limited term license requires an additional in-person visit to a DPS facility, and thus requires additional costs related to employee hiring and training, verification of lawful presence status through the SAVE system, office space, office equipment, and infrastructure. Thus, the estimated costs identified above that DPS would incur would only increase if more limited term licenses are issued.

9. DPS further anticipates that the State's cost of conducting SAVE verifications will rise to the extent that DPS's customer base increases as a result of

¹ The costs per license identified in the chart do not include costs for card design and additional programming for the Driver License System.

the President's executive action. This potential cost increase is in addition to the table of costs identified above and would not otherwise be incurred but for the President's executive action.

10. DPS has also observed that its driver license services do not grow on pace with the State's population growth. This is particularly true in areas like Houston, Dallas-Fort Worth, San Antonio, Austin, El Paso, Midland-Odessa, and the Rio Grande Valley, where the population growth rate exceeds that of less populated counties. Based on the Texas Data Center information, the more populated counties grow by 4-5% each year, while the less populated counties grow by 1-2%.

11. The added customer base that may be created by the President's executive action, assuming an applicant will be able to demonstrate they are authorized to be in the United States, will substantially burden driver license resources without additional funding and support.

12. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of January, 2015.



JOE PETERS